

CPEL0553625P

# Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office. No. 6 Tacheng Road West, Haidian District, Beijing. Postal code: 100088

|                               |  |                         |                         |                      |
|-------------------------------|--|-------------------------|-------------------------|----------------------|
| <b>Applicant</b>              | EFFECTOR CELL INSTITUTE, INC.                  |                         | <b>Seal of Examiner</b> | <b>Date of Issue</b> |
| <b>Agent</b>                  | China Patent Agent (H.K.) Ltd.                 |                         |                         | August 24, 2007      |
| <b>Patent Application No.</b> | 200480008354.5                                 | <b>Application Date</b> | March 25, 2004          | <b>Exam Dept.</b>    |
| <b>Title of Invention</b>     | OBSERVING TOOL AND OBSERVING METHOD USING SAME |                         |                         |                      |

## First Office Action

(PCT application entering into the national phase)

- ☒ Under the provision of Art. 35, para. 1 of the Patent Law, the examiner has made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant.
- ☐ Under the provision of Art. 35, para. 2 of the Patent Law, the Chinese Patent Office has decided to conduct an examination of the captioned patent application for invention on its own initiative.
- ☒ The applicant requests that
  - the filing date March 27, 2003 at the JP Patent Office be taken as the priority date of the present application,
  - the filing date August 18, 2003 at the JP Patent Office be taken as the priority date of the present application,
  - the filing date        at the        Patent Office be taken as the priority date of the present application.
- ☐ The following amended documents submitted by the applicant cannot be accepted for failure to conform with Art. 33 of the Patent Law:
  - ☐ the Chinese version of the annex to the international preliminary examination report.
  - ☐ the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty.
  - ☐ the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty.

☐ the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

See the text portion of this Office Action for detailed reasons why the amendment cannot be accepted.

4. ☐ Examination is conducted on the Chinese version of the initially-submitted international application.

☒ Examination is conducted on the following document(s):

☒ page 1-14 of the description, based on the Chinese version of the initially-submitted international application documents;

page \_\_\_\_\_ of the description, based on the Chinese version of the annex to the international preliminary examination report;

page \_\_\_\_\_ of the description, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty;

page \_\_\_\_\_ of the description, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☒ claim(s) \_\_\_\_\_, based on the Chinese version of the initially-submitted international application documents;

claim(s) \_\_\_\_\_, based on the Chinese version of the amended documents submitted according to the provision of Art. 19 of the Patent Cooperation Treaty;

claim(s) \_\_\_\_\_, based on the Chinese version of the annex to the international preliminary examination report;

claim(s) 1-16, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty;

claim(s) \_\_\_\_\_, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☒ Fig(s) P.1-18, based on the Chinese version of the initially-submitted international application documents;

Fig(s) \_\_\_\_\_, based on the Chinese version of the annex to the international preliminary examination report;

Fig(s) \_\_\_\_\_, based on the amended documents submitted according to the provision of Art. 28 or Art. 41 of the Patent Cooperation Treaty;

Fig(s) \_\_\_\_\_, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

5. ☒ The following reference document(s) is/are cited in this Office Action (its/their serial

number(s) will continue to be used in the subsequent course of examination):

| Serial No. | Number or Title(s) of Document(s) | Date of Publication<br>(or filing date of interfering application) |
|------------|-----------------------------------|--|
| 1          | US6088097A                        | Date July 11, 2000   |

6. Concluding comments on the examination:

☐ On the description:

- ☐ What is stated in the application comes within the scope of that no patent right shall be granted as prescribed in Art. 5 of the Patent Law.
- ☐ The description is not in conformity with the provision of Art. 26, para. 3 of the Patent Law.
- ☐ The description is not in conformity with the provision of Art. 33 of the Patent Law.
- ☐ The drafting of description is not in conformity with the provision of Rule 18 of the Implementing Regulations.

☒ On the claims:

- ☐ Claim(s) \_\_\_\_\_ come(s) within the scope of that no patent right shall be granted as prescribed in Art. 25 of the Patent Law.
- ☒ Claim(s) 1, 2, 7, 8, 12, 15 has/have no novelty as prescribed in Art. 22, para. 2 of the Patent Law.
- ☒ Claim(s) 13, 14, 16 has/have no inventiveness as prescribed in Art. 22, para. 3 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ has/have no practical applicability as prescribed in Art. 22, para. 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Art. 26, para. 4 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Art. 31, para. 1 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provisions of Rule 20 of the Implementing Regulations.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Art. 9 of the Patent Law.
- ☐ Claim(s) \_\_\_\_\_ is/are not in conformity with the provision of Rule 23 of the Implementing Regulations.

See the text portion of this Office Action for detailed analysis of the above concluding comments.



7. Based on the above concluding comments, the examiner deems that
- ☐ the applicant should make amendment to the application document(s) according to the requirements put forward in the text portion of this Office Action.
  - ☒ the applicant should expound in his/its observations why the captioned patent application is patentable and make amendment to what is not in conformity with the provisions pointed out in the text portion of this Office Action, otherwise, no patent right shall be granted.
  - ☐ the patent application contains no substantive content(s) for which a patent right may be granted, if the applicant has no sufficient reason(s) to state or his/its stated reason(s) is/are not sufficient, said application will be rejected.
  - ☐

8. The applicant should note the following items:

- (1) Under Art. 37 of the Patent Law, the applicant should submit his/its observations within four months from the date of receipt of this Office Action; if, without any justified reason(s), the time limit for making written response is not met, said application shall be deemed to have been withdrawn.
- (2) The amendment made by the applicant to said application should be in conformity with the provision of Art. 33 of the Patent Law, the amended text should be in duplicate and its form should conform with the related provisions of the Guide to Examination.
- (3) If no arrangement is made in advance, the applicant and/or the agent shall not come to the Chinese Patent Office to have an interview with the examiner.
- (4) **The observations and/or amended text should be sent to the Receiving Section of the Chinese Patent Office by mail or by personal delivery, if not sent to the Receiving Section by mail or by personal delivery, the document(s) will have no legal effect.**

9. This Office Action consists of the text portion totalling 2 page(s) and of the following attachment(s):

- ☒ 1 copy(copies) of the reference document(s) totalling 17 page(s).

Examination Dept. No. 9  
9016

Examiner Wei Xiaoxia (9243)